

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-30 are pending in the application, with claims 1, 18, 21 and 24 being the independent claims. Claims 1, 4, 13, 14, 18, 21, 24, 25, and 30 are sought to be amended. Support for the amendment to claim 1 may be found, for example, at paragraphs [0035]-[0037] and paragraphs [0040]-[0041] of the as filed application. Support for the amendment to claims 18 and 21 may be found, for example, at paragraph [0033] of the as filed application. Support for the amendment to claim 24 may be found, for example, at paragraph [0030] of the as filed application. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Interview

Pursuant to 37 C.F.R. § 1.133, Applicants provide the following statement of Substance of the Interview. Applicants express their appreciation to Examiner Désir for the courtesy of an interview with Applicants' representative on January 22, 2009. During the interview, differences between the references of record and the claimed invention were discussed. An agreement was not reached.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 24 and 25 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,281,220 to Rashkovskiy (“Rashkovskiy”). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 24 recites, among other features, “an advertising field that is separate and distinct from the channel selection field for displaying a video advertisement, wherein the video advertisement is selected based on at least two of the plurality of television channel video thumbnails previewed by the channel selection field.” As will be explained below, Rashkovskiy does not teach or suggest at least this feature of independent claim 24.

Rashkovskiy describes a streaming video programming guide that purportedly facilitates viewing of streaming videos. The streaming video programming guide of Rashkovskiy allows a user to select and view a plurality of representations of streaming video files, which are “collected automatically by a search engine that automatically and periodically searches the Internet.” (*See* Rashkovskiy, col. 1, lines 54-59.) Specifically, a user may search the Internet for streaming video files of interest via a keyword search. Streaming video files that satisfy the user’s search criteria are located and identified in a graphical user interface (GUI) using video thumbnail frames, as illustrated in FIG. 1 of Rashkovskiy. (*See* Rashkovskiy, col. 1, lines 63-67.)

The Examiner appears to equate ***both*** the video advertisements and the video thumbnails recited in Applicants’ claim 24, with the video thumbnails illustrated in FIG. 1 of Rashkovskiy. (*See* Office Action, pages 2-3.) Specifically, it appears the Examiner has taken the position that the video thumbnails of Rashkovskiy advertise the streaming

video files they represent. (*Id.*) In contrast to Rashkovskiy, however, the video thumbnails and the video advertisement of Applicants' claim 24, are displayed in two fields that "are separate and distinct." (*See* Applicants' claim 24.) In particular, the video advertisement is displayed in the "video advertising field" and the video thumbnails are displayed in the "channel selection field." Therefore, the video thumbnails of Rashkovskiy cannot possibly teach or suggest **both** the video advertisement and the video thumbnails recited in Applicants' claim 24.

Moreover, a thumbnail in Rashkovskiy is at most selected based on a **single** streaming video file it represents. Thus, a thumbnail in Rashkovskiy cannot reasonably be equated to the "video advertisement" of Applicants' claim 24, which "is selected **based on at least two** of the plurality of television channel video thumbnails previewed by the channel selection field." (Emphasis added.)

For at least this reason, Rashkovskiy cannot anticipate claim 24. Dependent claim 25 is similarly not anticipated by Rashkovskiy for the same reason as independent claim 24, from which it depends, and further in view of its own respective features. Accordingly, Applicants respectfully request the rejection of claims 24 and 25 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-9, 11, 12, 15, 16, 18-23 and 26-29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,456,334 to Duhault ("Duhault") in view of Rashkovskiy. For the reasons set forth below, Applicants respectfully traverse.

Claims 1-9, 11, 12, 15 and 16

Duhault describes a method and system for displaying multiple channels within a window. (*See* Duhault, col. 1, lines 65-67.) The purported benefits of the method and system described in Duhault include the “flexibility to monitor multiple programs at one time,” with the further “flexibility of a scalable window” to view the multiple programs within. (*See* Duhault, col. 3, lines 42-48.) Duhault employs the use of a first and second tuner in order to achieve these purported benefits. (*See* Duhault, col. 3, lines 10-41.) Each tuner is capable of receiving and providing a selected channel, or group of channels, to a display device. (*Id.*)

In contrast to the teachings of Duhault, claim 1 recites “wherein the channel selection canvas integrates the display of the television channel video thumbnails and the ancillary video thumbnail” and “wherein the television channel video thumbnails and the ancillary video thumbnail are received using different data protocols.” Claim 1 further recites that the television channel video thumbnails are “received from a first source” and the ancillary video thumbnail is “received from a second source.” Duhault does not explicitly teach or suggest integrating the display of video thumbnails from two separate sources (e.g., a first source and a second source) that “are received using different data protocols.” At most, Duhault describes the use of two tuners that receive the same signal and tune to various channels, i.e. band-limited portions, within the same signal.

Moreover, Duhault at col. 3, lines 6-9 discloses that:

[i]n addition to traditional television channels, the video images can represent analog or digital signals received from satellites, cable networks, or digitally across the Internet, or other on-demand video type devices.

(Emphasis added.) These video image source are disclosed by Duhault as alternatives to each other, hence the use of the alternative language “or”. This is in complete contrast to claim 1, which recites “wherein the channel selection canvas *integrates* the display of the television channel video thumbnails and the ancillary video thumbnail.” (Emphasis added.) Duhault does not expressly or inherently suggest integrating the display of video images from the image sources noted above, let alone that the video images, provided by these image sources, “are received using different data protocols” as recited in claim 1.

Rashkovskiy does not cure the deficiencies of Duhault described above, nor does the Office Action allege this. Thus, the combination of Duhault and Rashkovskiy cannot render claim 1 unpatentable for at least the reasons noted above. Dependent claims 2-9, 11, 12, 15, 16 and 26-29 are similarly not rendered unpatentable by the combination of Duhault and Rashkovskiy for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 2-9, 11, 12, 15, 16 and 26-29 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 18-23 and 26-29

Independent claims 18 and 21 both recite the use of user preference information that includes “a user’s favorite channels as a function of time of day.” The combination of Duhault and Rashkovskiy fails to teach or suggest at least this feature of claims 18 and 21. On page 7 of the present Office Action, the Examiner explicitly agrees that Duhault fails to teach or suggest elements of this feature. Rashkovskiy does not cure the deficiencies of Duhault.

As noted above, FIG. 1 of Rashkovskiy illustrates a streaming video programming guide that purportedly facilitates viewing of streaming videos. Streaming video files that satisfy a user's search criteria are located and identified in the streaming video programming guide using video thumbnail frames. (*See* Rashkovskiy, col. 1, lines 63-67.) At most, Rashkovskiy discloses that each video thumbnail displayed includes "quantitative information 24 about the streaming video" such as the video file format and duration. (*See* Rashkovskiy, col. 2, lines 18-22.) Rashkovskiy specifically describes the quantitative information associated with thumbnail frame 18 illustrated in FIG. 1, which provides that thumbnail frame 18 "is in a 240x180 pixel format and lasts for twenty-eight seconds." *Id.*

In contrast to claims 18 and 21, the duration information provided by the streaming video programming guide of Rashkovskiy (or any other portion of Rashkovskiy for that matter) does not represent "a user's favorite channels as a function of time of day." Rather, the duration information is simply related to the running time or length of the streaming video file associated with a thumbnail. Times of day, on the other hand, include, for example: morning, mid-day, and evening. (*See* Specification as filed, paragraph [0033].)

For at least the reasons provided above, the combination of Duhault and Rashkovskiy cannot render claims 18 and 21 obvious. Dependent claims 19, 20, 22 and 23 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claims 18 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 18-23 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 10, 13, 14 and 17

The Examiner has rejected claims 10, 13, 14 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duhault in view of Raskovskiy, and in further view of the Background of the instant application. For the reasons set forth below, Applicants respectfully traverse.

Without acquiescing to the propriety of the rejection, Applicants submit that the Background of the instant application does not cure the deficiencies of Duhault and Raskovskiy with respect to independent claim 1, as noted above. Dependent claims 10, 13, 14 and 17 are similarly not rendered unpatentable by the combination of Duhault, Rashkovskiy, and the Background of the instant application for the same reason as claim 1, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 10, 13, 14 and 17 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Other Matters

The Examiner has not indicated whether the drawings have been accepted. Applicant assumes, absent an indication to the contrary, that the drawings are accepted.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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